

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

DOCKET NO. 04-10862-GAO

JOSEPH E. MCCAIN,
PLAINTIFF,

VS.

THE CITY OF NEWBURYPORT,
THOMAS H. HOWARD, INDIVIDUALLY AND AS
CITY MARSHALL FOR THE CITY OF NEWBURYPORT,
BRIAN BRUNAULT AND NEXTEL COMMUNICATIONS OF
THE MID ATLANTIC, INC.,
DEFENDANTS.

STIPULATION OF DISMISSAL WITH PREJUDICE

NOW COMES the Plaintiff in the above matter and stipulates that this action may be dismissed with prejudice, without costs and waiving all rights of appeal as to Defendants, City of Newburyport, Thomas H. Howard, Individually and as City Marshall for the City of Newburyport and Brian Brunault.

Respectfully submitted,
Joseph E. McCain,
By his Attorneys;

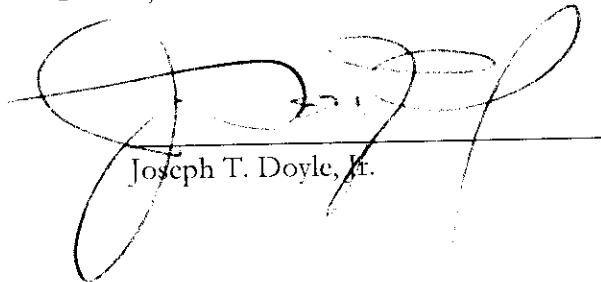
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Dated: August 25, 2004

CERTIFICATE OF SERVICE

I, Joseph T. Doyle, Jr., of the firm of Lecomte, Emanuelson and Doyle, Attorney for Plaintiff, hereby certify that this 25th day of August 2004 I served a copy of the within Stipulation of Dismissal with Prejudice by first class mail, postage prepaid to:

Leonard H. Kesten, Esquire
Brody, Hardoon, Perkins & Kesten, LLP
One Exeter Plaza
Boston, MA 02116



Joseph T. Doyle, Jr.